

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Newport News Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 4:02CR-_____
)	
THOMAS SIMMONS, IV)	18 U. S. C. §§ 924(a)(1)(A) & 2
)	False Statements to Firearms
)	Dealer
)	(Counts 1-29)

SUPERSEDING INDICTMENT

June 2002 Term - Norfolk, Virginia

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about March 28, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Cash Quick of Denbigh Pawn Shop, 15503 Warwick Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a Jennings,

9 mm, semi-automatic pistol, serial number 1438239, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 1, 2001, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a Hi-Point, .40 cal. semi-automatic pistol, serial number 113854, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 4, 2001, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, .40 cal., semi-automatic pistol, serial number 113853, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 1, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a Jennings, 9 mm, semi-automatic pistol, serial number 1455822, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 4, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a Jennings, 9 mm, semi-automatic pistol, serial number 1442564, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 15, 2001, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a Jennings, 9 mm, semi-automatic pistol, serial number 1455085, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 2, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a Jennings, 9 mm, semi-automatic pistol, serial number 1462029, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 18, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number P086034, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 1, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number P087141, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 6, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, .40 cal., semi-automatic pistol, serial number 115144, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 18, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number 088095, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 1, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number P088061, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 6, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a Jennings, 38 cal., semi-automatic pistol, serial number 1428425, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 18, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number 215250, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 1, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number P215251, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT SIXTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 6, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number 116310, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT SEVENTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 18, 2001, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint .40 cal., semi-automatic pistol, serial number 115936, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT EIGHTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2001, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, .40 cal., semi-automatic pistol, serial number 115106, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT NINETEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 14, 2001, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, .40 cal., semi-automatic pistol, serial number 116913, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWENTY

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 20, 2001, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number P091325, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWENTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 1, 2001, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, .40 cal., semi-automatic pistol, serial number 116974, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWENTY-TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 15, 2001, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number P091323, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWENTY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 2, 2002, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number P084008, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWENTY-FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 9, 2002, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, .40 cal., semi-automatic pistol, serial number 116978, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWENTY-FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 12, 2002, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, .40 cal., semi-automatic pistol, serial number 116977, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWENTY-SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 12, 2002, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, 9 mm, semi-automatic pistol, serial number P099507, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWENTY-SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 11, 2002, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, .45 cal., semi-automatic pistol, serial number 340879, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWENTY-EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 16, 2002, in Hampton, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Peninsula Gun Works, 2511 W. Mercury Blvd., Hampton, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a HiPoint, .45 cal., semi-automatic pistol, serial number 341440, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

COUNT TWENTY-NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 1, 2002, in Newport News, Virginia, in the Eastern District of Virginia, THOMAS SIMMONS, IV, the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Tidewater Police & Sportsman Supplies, 7328 Warwick, Blvd., Newport News, VA, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that THOMAS SIMMONS, IV, did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer of a HiPoint, .45 cal., semi-automatic pistol, serial number 340884, when, in truth and in fact, defendant was the actual buyer of said firearm.

(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.)

A TRUE BILL:

PAUL J. MCNULTY
UNITED STATES ATTORNEY

FOREPERSON

By _____
Janet S. Reincke
Assistant United States Attorney
Virginia Bar No. 33677
8000 World Trade Center
101 W. Main St.
Norfolk, VA 23510

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